

Message Text

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FM AMEMBASSY CANBERRA

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E.O. 11652: N/A

TAGS: ETRD, AS

SUBJECT: CUSTOMS DUTIES PAYABLE ON IRRIGATION EQUIPMENT

REF: STATE 024025

1. REFTEL REQUESTED CONFIRMATION THAT GOA PLANS TO IMPOSE A 26 PERCENT DUTY ON IMPORTS OF SPRINKLERS FOR TRAVELLING IRRIGATION EQUIPMENT. FOLLOWING INFORMATION HAS BEEN PROVIDED BY BY-LAW BRANCH, DEPARTMENT OF BUSINESS AND CONSUMER AFFAIRS.

2. AN APPLICATION FOR BY-LAW ENTRY OF THESE SPRINKLERS HAD BEEN RECEIVED AND APPROVED BY CUSTOMS BY-LAW ENTRY, I.E. DUTY FREE ENTRY BY WAIVING OF THE STATUTORY DUTY, CAN BE GRANTED BY CUSTOMS WHEN THERE IS NO "SUITABLY EQUIVALENT" OR "REASONABLY AVAILABLE" LOCALLY MANUFACTURED PRODUCT. BY-LAW ENTRY IS A PRIVILEGE WHICH CAN BE REVOKED BY CUSTOMS AT ANY TIME.

3. RECENTLY, IN THE COURSE OF REVIEWING BY-LAW OPERATIONS, THE BY-LAW BRANCH FOUND THAT THERE WERE TWO LOCAL MANUFACTURERS, SOUTHERN CROSS MACHINERY, AND LAYNE AND BOWLER. AS A RESULT, CUSTOMS ON ITS OWN INITIATIVE REVOKED DUTY FREE ENTRY UNDER BY-LAW. THE GENERAL RATE OF DUTY, 26 PER CENT AD VALOREM, WAS THEREBY REINSTITUTED. BY-LAW BRANCH TOLD
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EMBASSY THAT REVOCATION OF BY-LAW WAS NOT THE RESULT OF AN APPLICATION FROM EITHER SOUTHERN CROSS MACHINERY OF LAYNE AND BOWLER.

4. IT IS POSSIBLE TO PROTEST A BY-LAW DECISION. ACCORDING TO BY-LAW BRANCH OFFICER PROVIDING THE ABOVE INFORMATION, A "COUPLE" OF PROTESTS HAD ALREADY BEEN RECEIVED ON THIS

PARTICULAR DECISION. SHOULD NELSON IRRIGATION WISH TO REGISTER A PROTEST, IT WILL HAVE TO PROVE THAT A "SUITABLY EQUIVALENT" AND "REASONABLY AVAILABLE" LOCALLY MANUFACTURED PRODUCT IS NOT AVAILABLE. EMBASSY WILL BE PLEASED TO FORWARD ANY SUBMISSION NELSON MAY WISH TO MAKE.

5. THIS BY-LAW CASE HAS ITS UNUSUAL ASPECTS. BY-LAW OFFICER STATES THAT THE TWO LOCAL MANUFACTURERS ARE HAPPY WITH ELIMINATION OF BY-LAW AND HAVE NOT PROTESTED, THOUGH SOUTHERN CROSS MACHINERY CONTINUES TO IMPORT. ONE WOULD HAVE EXPECTED THAT LOCAL MANUFACTURERS WOULD EITHER HAVE REQUESTED TERMINATION OF BY-LAW THEMSELVES OR, IF THEY WERE SATISFIED WITH BY-LAW, WOULD HAVE PROTESTED ITS ELIMINATION. EMBASSY IS HARD-PUT TO EXPLAIN HOW SOUTHERN CROSS COULD BE AMENABLE TO PAYING O DUTY ON IMPORTS AND EQUALLY AMENABLE TO PAYING 26 PER CENT DUTY ON WHAT PRESUMABLY ARE THE SAME TYPE OF IMPORTS. IF NELSON IRRIGATION CAN THROW ANY FURTHER LIGHT ON CIRCUMSTANCES SURROUNDING TERMINATION OF ITS BUSINESS RELATION WITH SOUTHERN CROSS, THIS MIGHT PERHAPS HELP TO CLARIFY MATTERS. ONE POSSIBILITY MAY BE THAT LOCALLY MANUFACTURED PRODUCT WAS NOT THOUGHT BY ITS MANUFACTURERS TO BE "SUITABLY EQUIVALENT" TO THEIR OWN PRODUCT.
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